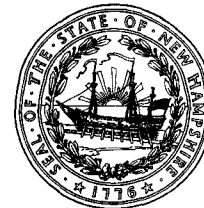




The State of New Hampshire  
**Department of Environmental Services**



Michael P. Nolin  
Commissioner

December 17, 2004

**Certified Mail  
Return Receipt Requested**

**Letter of Deficiency  
No. WMD 04-19**

Ted Burns d/b/a  
Burns Truck Stop Mini Mart  
RR1 Box 34  
North Stratford, NH 03590

**SUBJECT: SWC 93-025; Burns Truck Stop & Mini Mart, North Stratford, NH**

Dear Mr. Burns:

On August 6, 2004 and August 16, 2004, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection ("Inspection") of your property located on Route 3, North Stratford, NH, ("Site"). The purpose of the Inspection was to determine your compliance status with RSA 147-A, RSA 149-M, and rules adopted pursuant thereto relative to the proper management of hazardous waste and solid waste.

During the Inspection, DES personnel learned or observed the following:

1. You operate a gas station and automotive repair business at the Site.
2. You burn used oil generated at the Site and from local residents who generate used oil from oil changes in a waste oil burner at the Site. A review of DES records shows that Mr. Burns d/b/a Burns Truck Stop & Mini Mart is not a notified used oil burner.
3. Several 55-gallon drums of used oil staged behind the garage; these drums are sealed but not labeled.
4. An unlabeled used oil tank inside your facility.
5. A drum at the rear of the building which contained miscellaneous parts, scrap, and used oil, had released used oil to the soil.

By letter dated August 17, 2004, DES personnel outlined the deficiencies noted during the Inspection and requested that you correct the deficiencies by September 20, 2004.

On December 3, 2004, DES personnel conducted a follow-up inspection of the Site. DES personnel observed or learned the following:

1. Five one-gallon containers, two five-gallon containers, and three 55-gallon drums of used oil. Some of the containers were not sealed and none of these containers were labeled.
2. The 275-gallon tank inside your facility was now labeled.
3. The drum at the rear of the building which contained miscellaneous parts, scrap, and used oil had been removed from the Site.
4. Approximately 100 scrap tires are stored at the Site. These tires were not stored in accordance with the NH Solid Waste Rules.

This letter serves to inform you that the above referenced Site conditions constitute violations of RSA 147-A, and 149-M, specifically:

Env-Wm 504.01	Failure to notify DES of hazardous waste activities, specifically as a used oil burner.
Env-Wm 513.02	Failure to immediately contain and clean up a discharge of hazardous waste or any discharge of material which, when discharged becomes a hazardous waste, specifically used oil.
Env-Wm 807.06(b)(4)	Failure to label containers of used oil with the words "Used Oil for Recycle".
Env-Wm 807.06(b)(5)	Failure to seal containers of used oil.
Env-Wm 807.06(b)(6)	Failure to prevent spillage or a discharge of used oil onto the land.
Env-Wm 807.06(b)(11)	Failure to deliver used oil to a facility authorized to accept used oil or burn used oil.
Env-Wm 2605.02	Failure to store tires in accordance with the Solid Waste Rules.

DES believes that the cited deficiencies can be corrected by completing the following requested actions within the time indicated:

1. **By February 7, 2005**, notify DES as a used oil burner by completing and submitting a New Hampshire hazardous waste notification form to DES.
2. **By April 15, 2005**, ensure that stained soil is cleaned-up, containerized, and disposed of at a facility permitted to handle such waste.

3. **Immediately** ensure that used oil containers are clearly labeled with the words "Used Oil for Recycle".
4. **Immediately** ensure that all used oil containers are sealed.
5. **By April 15, 2005**, ensure that all tires at the Site are stored in accordance with Env-Wm 2605.02.
6. **By April 22, 2005**, submit to DES written confirmation that these steps have been completed at the address below.

Please address all correspondence and reports regarding this matter to:

Michael Galuszka, Waste Management Specialist  
Department of Environmental Services  
80 Glen Road  
Gorham, NH 03581  
Fax: (603) 466-5148  
e-mail: [mgaluszka@des.state.nh.us](mailto:mgaluszka@des.state.nh.us)

In the event compliance is not achieved within the time period indicated above, DES may initiate formal enforcement action against you including issuing an order requiring the deficiencies to be corrected and/or referring the matter to the New Hampshire Department of Justice for imposition of civil and/or criminal penalties. DES reserves the right to pursue administrative fines for the violation(s) noted above.

Your prompt cooperation is appreciated. Please contact Michael Galuszka at (603) 466-5389 if you have any questions or need further assistance.

Sincerely,



Carl Woodbury  
Supervisor VII  
Spill Response Complaint Investigation Section

Certified Mail RRR #: 7000 0600 0023 9932 1516

Enclosures: Notification Form, Env-Wm 2605.02

cc: DB/File  
Anthony P. Giunta, P.G., Director, WMD  
Gretchen R. Hamel, Legal Unit Administrator  
Town Clerk, North Stratford, NH